



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of October 8, 2003

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of September 17, 2003 meeting

OLD BUSINESS

2. Request from Rep. Brian Duprey Regarding 2004 Seed Money Contributions

Rep. Brian Duprey is a member of the House of Representatives. He filed a Declaration of Intent to run as an MCEA candidate for State Senate in 2004, for which he is permitted to collect up to \$1,500 in private seed money contributions. He has reported receiving \$875 in seed money contributions and has reported an expenditure of \$227.85 which he states was for bumper stickers displaying the motto: "Duprey for Senate."

Duprey is now considering *not* running for State Senate in 2004 and, instead, running to be re-elected to his current seat in the House. He asks whether he could terminate his Senate campaign, dispose of his campaign balance of \$647, and run a new campaign for his House seat as an MCEA candidate. One potential obstacle is that he has exceeded the maximum amount of seed money that he would be allowed to collect for a House race (\$500). Another issue is whether the bumper stickers should be charged to his House campaign as expenditures.

3. Draft Report on Maine Clean Election Fund

4. Referral to Attorney General - People for a Strong Maine Economy and its treasurer, Richard Pelletier.

On April 9, 2003, the Commission assessed a penalty of \$942.24 against People for a Strong Maine Economy for failing to timely file 48-Hour PAC reports of expenditures made during the period of October 26-28, 2002. The Commission sent to Mr. Pelletier two notices that the penalty was due, including a "Final Notice" that the PAC would be considered for referral to the Attorney General's Office. On September 17, 2003, the PAC submitted a partial payment of \$500 and a letter stating that the balance (\$442.24) would be paid at the beginning of October.

NEW BUSINESS

5. Appointments of Members of Commission

Currently, the terms of two Commission members have expired and the terms of two other members will expire on April 16, 2004.

6. Database Administrator

In 2003, the Legislature approved a statutory change that authorized the Commission to hire a computer staff member rather than an attorney. The Commission director recommends the hiring of a database administrator, which would permit the Commission to improve its electronic filing system and to continue its use after the Commission's current contract with Quest Information Systems expires.

7. Consideration of Draft Rules for Adoption for Public Comment

At the September 17, 2003 meeting, the Commission members approved the drafting of amendments to the Commission Rules for the purpose of initiating a rulemaking process. The draft rules are ready to be considered for approval for public comment.

8. Reviews of 2002 Maine Clean Election Act Candidates

The Commission staff has virtually completed its reviews of 2002 MCEA participants. Three candidates have not responded to correspondence from staff. The staff intends to follow up with telephone calls, and would like to confer with the Commission members on other measures to effect compliance.

A. A candidate used MCEA funds to purchase a digital camera, a trailer, and a U-Haul trailer hitch that were reported to be worth a total of \$1,125 as of December 17, 2002. Under Chapter 3, Subsection 7(2)(C) of the Commission Rules, the candidate was required to return this amount to the Fund.

B. A candidate used \$100 of MCEA funds to make a contribution to the campaign of a candidate for City Council in South Portland. The Commission's guidelines prohibit the use of MCEA funds for other candidates' campaigns.

C. The contributions and expenditures reported by a candidate in his campaign finance reports suggest that he had \$3,376.44 in public funds after the election, but he returned only \$3,126.08. The difference (\$250.36) could be due to an unintentional under-reporting of expenditures, but the candidate has not responded to the Commission's correspondence.

9. Reporting Requirements for County and Municipal Party Committees

Under former law, political party committees at the state, county, and municipal levels that accepted more than \$1,500 in receipts in a calendar year were required to file two campaign finance reports for the year (plus an additional report ten days before a general election). Earlier this year, the Legislature enacted a law to require more frequent reports by *state-wide* political party committees. The section in the bill that established the new filing schedule for state committees deleted any reporting deadlines for county and

municipal committees. Other sections of the Election Law, however, suggest that county and municipal committees must file reports.

A continued reporting requirement for small party committees would seem advisable so that they do not become a conduit for large undisclosed campaign expenditures. If the Commission agrees with this policy, the Commission director wishes to work with the Legal and Veterans Affairs Committee to clarify the law.

10. Proposed Legislation by Representative Deborah L. Simpson

Representative Deborah L. Simpson has asked whether the Commission would consider proposing a bill under which a member of the Legislature would be prohibited from sponsoring legislation that benefitted the legislator's primary source of income. For example, a legislator who was an accountant would be prohibited from sponsoring legislation that would increase the income to accountants.

11. Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT